

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**C.R. No.2716 of 2006**

**Date of Decision:- 07.12.2006**

Sukhwant Singh & ors.

....Petitioners

through

Mr.P.S.Thiara, Advocate

vs.

Rajinder Singh & anr.

....Respondents

through

Mr.S.S.Chandi, Advocate for No.1.

Mr.Ashish Verma, Advocate for No.2.

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**CORAM:-HON'BLE MR.JUSTICE SURYA KANT.**

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**SURYA KANT, J.**

This revision petition is directed against the order dated 16.1.2006 passed by the Tribunal under the Wakf Act whereby the suit for possession and permanent injunction filed by the petitioners, has been dismissed.

The dispute pertains to possessory rights in respect of land measuring 9 kanals 3 marlas comprising Khasra No.62 Min (2-3) Khewat Khatoni No.141/177 situated within the revenue estate of Village Miranpur, Tehsil Nakodar, District Jalandhar.

No evidence has been led by the petitioners either before the learned Tribunal or this Court to show that they ever came to occupy the land in dispute as lessees. In this backdrop, the findings returned by the learned Tribunal that the father of the petitioners used to cultivate a part of the land after taking the same from Banwari Lal (since deceased) to whom the land was leased out by the Board, appears to be correct. Consequently, no interference is called for in the impugned order passed by the Tribunal.

However, there is another aspect of the matter. As per the findings returned by the Tribunal in para 18 of its impugned order, the

earlier lease granted to respondent No.1 (Rajinder Singh) was upto January 31, 2006. It is stated by learned counsel for the Wakf Board as well as said Rajinder Singh that the lease of respondent No.1 has not been renewed further.

On a query by this Court as to what kind of procedure is followed by the Board to lease out its properties, it could not be disputed by learned counsel for the respondents that the property in dispute or for that matter any other property is not leased out by the Board through public auction so as to fetch maximum lease value for the public properties which are statutorily vested in the Board. It appears that the lease are executed by the Board merely by entertaining individual's applications. *Prima facie*, such kind of procedure is bound to breed corruption. Consequently, while dismissing this revision petition, it is directed that the lease earlier executed in favour of respondent No.1 (Rajinder Singh) shall not be renewed and the property in dispute shall be offered by way of a public auction, thereby giving an equal opportunity to take the same on lease, to the petitioners or respondent No.1 or for that matter the public at large and the lease shall be executed in the favour of a person, whosoever will be the highest bidder.

Any deviation from the aforesaid procedure and/or attempt by the Board Authorities to favour a party shall be viewed seriously and shall invite contempt proceedings.

The needful shall be done within a period of four months from today.

Copy of this order be given Dasti on payment of usual charges.

**December 07, 2006**  
poonam

**( SURYA KANT )**  
**JUDGE**